

REMARKS/ARGUMENTS

Applicants respectfully request a corrected filing receipt that adds the second inventor, Kurt Hansen. A Request to Correct Inventorship under 37 C.F.R. § 1.48 was filed by Applicants with the U. S. Patent Office on November 1, 2002. This Request to Correct Inventorship included a Statement from Kurt Hansen, executed Declarations by Keith W. Diveley and Kurt Hansen in accordance with 37 C.F.R. § 1.63, and written consent from the assignee, First Data Corporation. Although the postcard was returned acknowledging receipt by the U. S. Patent and Trademark Office of the Request to Correct Inventorship, applicants have never received a corrected filing receipt denoting both Kurt Hansen and Keith W. Diveley as inventors of the instant application.

Status of the application:

Prior to the entry of this amendment, claims 1-31 and 38-49 were pending in this application. The present amendment amends claims 1, 4, 12, 13, and 25, adds claims 50 and 51, and cancels claims 3, 5, 8, 9, 11, 14, 16-24, 26-49. Hence, after entry of this amendment, claims 1, 2, 4, 6, 7, 10, 12, 13, 15, 25, 50 and 51 are now pending in the application. No new matter has been introduced with the addition of the new claims or the foregoing amendments. For example support for the new claims and the amendments may be found at, *inter alia*, page 2, line 24 through page 3, line 2 and page 3, lines 21 through 25. Reconsideration of the subject application as amended is respectfully requested.

In the Office Action, claims 1-6 and 8-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lorsch, U.S. Patent No. 5,903,633 ("Lorsch") in view of O'Mahony et al., "Electronic Payment Systems" (1997) ("O'Mahony"). Further, claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lorsch in view of Vulcan *et al.*, U.S. Patent No. 5,799,072 ("Vulcan").

35 U.S.C. § 103(a) Rejections

Independent claims 1, 12 and 25 were rejected under 35 U.S.C. § 102(b) over Lorsch in view of the O'Mahony reference. Reconsideration of these rejections is respectfully requested because Lorsch and O'Mahony do not disclose or suggest all of the elements of the amended independent claims -- claims 1, 12 and 25.

Applicants have amended independent claim 1 to recite "electronically prepaying for the dial tone service in substantially real-time, wherein the host processor communicates the electronic record to a payment processor of the consumer provider and based upon the identifier and the phone number the prepayment for the dial tone service is registered in substantially real-time." Independent claim 12 is amended to recite "the host computer is configured to receive a record containing one of the identifiers along with information on a prepayment for the dial tone service and a customer phone number, to electronically send information from the record to a payment processor of the consumer provider in substantially real-time." And independent claim 25 is amended to recite "electronically activating the phone service in substantially real-time, wherein the host computer communicates the electronic record to a service activation processor of the consumer provider and based upon the identification of the account the phone service is activated in substantially real-time."

These limitations, in combination with the other limitations of independent claims 1, 12 and 25 are believed to distinguish the claims from Lorsch and O'Mahony, and render the claims in condition for allowance since neither Lorsch nor Mahoney describe or suggest either a payment service provider making essentially real-time prepayments to a customer's dial tone service account or a payment service provider making an essentially real-time payment to activate phone service with a phone service provider. In fact, not only do Lorsch and O'Mahony fail to describe or suggest using a payment service provider to make prepayments on a dial tone service or to activate a phone service, they do not even mention dial tone service or phone activation.

As observed in Applicants' patent application, there are several drawbacks for some consumers who desire to make instant prepayments on dial tone service or to instantly

activate phone service. (Application pp.1-2). For example, certain consumers do not have the relationships with financial institutions to provide for making instant prepayments to a phone service provider for dial tone service or to activate a phone service. *Id.* Moreover, such customers are likely to desire immediate prepayment for the dial tone service or activation of the phone service to provide that they have instant and/or uninterrupted access to phone service. *Id.*

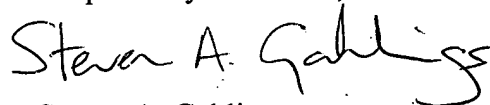
As discussed above, neither Lorsch nor O'Mahony describe or suggest a payment service provider interacting in virtually real-time to either make prepayments or activation payments to a customer's phone service. For at least these reasons, independent claims 1, 12 and 25 are believed to be allowable over Lorsch and O'Mahony and withdrawal of the rejections of the claims under 35 U.S.C. § 102(b) is respectfully requested. Claims 2, 4, 6, 7, 10, 13, 15, 50 and 51 depend from independent claims 1, 12 and 25 and are distinguishable for at least the same reasons.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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